

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| THE BOONE COUNTY WATER AND SEWER | } | |
| DISTRICT'S TARIFF FILING TO UPDATE | } | CASE NO. 92-023 |
| ITS CURRENT SEWER TARIFF | } | |

O R D E R

Boone County Water and Sewer District ("Boone District") has moved for a modification of the Commission's Order of January 15, 1992.

On December 24, 1991, Boone District submitted a proposed tariff which sets forth rates and regulations for its sewer operations. It covers some operations which Boone District has long considered nonjurisdictional but which the Commission recently held are within Commission jurisdiction.¹ The proposed tariff contains several rates which are pending Commission approval² and some which the Commission has never reviewed nor approved but which are essential to Boone District's continued operation.

The January 15, 1992 Order suspends the proposed tariff. Boone District contends that this Order suspends all of its

¹ Case No. 90-108, Americoal Corporation vs. Boone County Water and Sewer District (October 30, 1990).

² Case No. 91-374, The Proposed Tariff of Boone County Water and Sewer District for Sewer Capacity Fee; Case No. 91-428, Proposed Tariff Filing of Boone County Water and Sewer District for Sewer Inspection Fee.

existing sewer tariffs and prohibits collection of all rates and charges, even those previously approved.

Having considered the motion and being otherwise advised, the Commission finds that good cause exists to clarify and modify its January 15, 1992 Order. It further finds that the suspension of all previously unpublished rates may materially impair Boone District's operations and, therefore, Boone District should be authorized to charge certain of these rates, subject to refund, pending a final determination on their reasonableness.

IT IS THEREFORE ORDERED that:

1. Boone District is authorized to charge all rates and fees set forth in its current tariff sheets or authorized by previous Order of this Commission.

2. Boone District is authorized to enforce all rules and regulations set forth in its current tariff sheets.

3. Pending a final determination of their reasonableness, the late penalty fee, returned check fee, and reconnect fee set forth in proposed Boone District Original Sheet No. 2 are effective, subject to refund, as of January 22, 1992.

4. Pending a final determination of their reasonableness, the rates for Whispering Hills/Indian Hill, Litton Hebron No. 1 Horizon West, and South Park, which are set forth in proposed Boone District Original Sheet No. 9, are effective, subject to refund, as of January 22, 1992.

5. Pending a final determination of their reasonableness, the rates set forth in proposed Boone District Original Sheet No. 11 are effective, subject to refund, as of January 22, 1992.

6. All provisions of the proposed tariff which are not specifically addressed herein shall remain suspended.

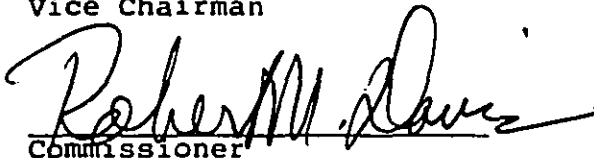
7. Boone District shall maintain its records in such manner as to enable it or the Commission to determine the amounts to be refunded and to whom due in the event a refund is ordered.

Done at Frankfort, Kentucky, this 24th day of March, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director